IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.1306 OF 2006

Maj. Gen. Vijaykumar Vinayak Bhite ...Petitioner.

V/s.

1. The Commissioner,
   Pune Municipal Corporation
2. Pune Municipal Corporation
3. Ramnagar Colony Mandal,
   Bawdhan, Pune. ...Respondents.

Shri Nitin P. Deshpande for the Petitioner.
Shri V.G.Mujumdar for Respondent Nos.1 and 2.
Shri Shriram S. Kulkarni for Respondent No.3.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 13th December, 2006.

P.C.: (Per J.H.Bhatia, J.)

1. About 70 officers from military including the present petitioner purchased free hold plots in 1966-67 from Brigadier Abbasalli Cumberally Aga and they constructed their own bungalows. That area is known as 'Ram Nagar Colony'. Respondent No.3-Ram Nagar Colony Mandal is registered as a public trust under the Bombay Public Trusts Act.

2. For the supply of water by respondent nos.1 and 2 to the said colony, respondent no.3 has laid the pipelines for the whole colony. The petitioner also seeks water connection from respondent nos.1 and 2.

However, they informed him that water connection could be given to him only after 'No Objection Certificate' from respondent no.3. According to the petitioner, he has already paid an amount of Rs.8,000/- to respondent no.3 as his contribution and share in the cost of pipelines. According to him , he is not a member of respondent no.3-Trust and it can not impose its resolutions and conditions upon him including the establishment and transfer charges. Respondent Nos.1 and 2 have filed reply and affidavit contending that they have no objection to provide water connection but it is necessary to obtain 'No Objection Certificate' from respondent no.3. After some discussion at bar, it is pointed out on behalf of respondent no.3 that the petitioner is required to deposit further amount of Rs.6,000/- for the said purpose. Under protest, the petitioner is willing to deposit the said amount. It appears that there are certain questions and disputes between the petitioner and respondent no.3 which can be decided properly by the Assistant Charity Commissioner. We find that subject to deposit of Rs.6,000/- by the petitioner, respondent no.3 should give 'No Objection Certificate' and on the basis of same, respondent nos.1 and 2 may provide water connection to the bungalow of the petitioner. All the contentions of the petitioner and respondent no.3 may be left open to be decided by

the Assistant Charity Commissioner.

3. Therefore, we direct that the petitioner shall deposit an amount of Rs.6,000/- with respondent no.3 within one week from this date and on such deposit, respondent no.3 shall issue 'No Objection Certificate' in favour of the petitioner and respondent nos.1 and 2 shall provide water connection to the bungalow of the petitioner. The disputes between the petitioner and respondent no.3 may be decided by the Assistant Charity Commissioner. All the contentions of the petitioner and respondent no.3 are left open to be decided by the Assistant Charity Commissioner. Deposit of Rs.6,000/- shall also be subject to the decision of the Assistant Charity Commissioner.

4. With the above directions, we dispose off this petition.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)